D. Dis. File No. 613

1939.

Collection No.

p13

A

28
25/7/47

7 mas
26/7

Resident's Office
Bangalore

(W)

Pros. Serial Nos. 1-2

Subject.

Complaint from the Chief Station Master, B. City, regarding Tampering with Mail Bags And Theft of Insured Letters of Registered Letters

Previous References.

Later References.

A
23/9/46

S. 97.—(Blue)

MFP—1187 S&P—(M-2104)—21-3-39—70,000.

Office Wks
des Ec.
Bkl
23/9/46

CORRESPONDENCE.

S. M. Service Message.

INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

Prefix / Class. XK

Code. 11

Recd. from

At H. M.

By

Sent to

At H. M.

By

OFFICE STAMP.

OFFICE OF THE
[illegible]
MYSORE, BANGALORE.
Diary No. 11,515
File No.

TO

[illegible]

Signature of Sender.

FROM

(Not to be Signalled).

Lal Chand & Sons, Printers, Calcutta—No. 5293 R (D-16)—12-7-38—1,00,000 Blks.

S. M. Service Message.

INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

XK

Recd. from

At H. M.

By

Sent to

At H. M.

By

OFFICE STAMP.

[illegible]

Signature of Sender.

FROM

(Not to be Signalled).

Lal Chand & Sons, Printers, Calcutta—No. 5293 R (D-16)—12-7-38—1,00,000 Blks.

Issued 16/11/39

DEPARTMENT.

BRANCH.

File No.

Serial No.

Draft Letter / ~~Memorandum~~ / ~~Telegram~~

Class for telegrams	INLAND:	FOREIGN:
	Immediate	Immediate
	Important	Important
	Express	Ordinary
	Ordinary	Without priority

No. F. [illegible]-39 G&A Dated 16/11/ 1939. Enc. 1.

From

The Secretary.

To

The Commr. of Police,
C & M Station, Bangalore.

To be issued on	Issued on
1st Reminder	
2nd Reminder	
3rd Reminder	
Heading:	
Case or Diary No.	
If post copy of telegram required	
Date of despatch of above	SN.1 Cp.1 (illegible)
List of enclosures	

(Code word for telegrams.)

Tampering with mail bags and theft of insured and registered letters

Sir,

I am directed to enclose a copy of telegram dated the 13th November 1939 from the Chief Station Master, Bangalore City.

2. The ~~Resident~~ Resident will be glad ~~to recommend to him~~ to know the result of the investigation

I have etc.

16/11

for Secretary.

16.11.39

FOR CM 15.11.39

SN3

OFFICE OF THE COMMISSIONER OF POLICE,
CIVIL AND MILITARY STATION, BANGALORE.

No. 663/28/39. Dated 17-11-1939.

FROM

J. M. Green, Esquire, I.P.,

COMMISSIONER OF POLICE,
CIVIL AND MILITARY STATION,
BANGALORE.

OFFICE OF THE
HON'BLE THE RESIDENT
IN MYSORE, BANGALORE.
Diary No. 11,675
File No. SIR,

To

The Secretary
to the Hon'ble the Resident in Mysore,
BANGALORE.

Subject: Tampering with mail bags and theft of insured and registered letters.

With reference to your letter No.R-Dis-F-613-39/G & A dated 16-11-1939, I have the honour to state that the case was duly registered and three persons have been arrested. The three accused are:

1. M.K.Nayudu,
2. P.Dixon,
3. Subbarayan.

On their confessions, various items of property have been recovered. They will be charged in due course.

I have the honour to be,

Sir,

Your most obedient servant,

COMMISSIONER OF POLICE.

No. 663/D/1939

Office of the Commissioner of Police,
Civil and Military Station, Bangalore.

Dated 13-12-1939.

From

J. M. Green, Esquire, I.P.,

Commissioner of Police,
Civil and Military Station,
BANGALORE.

OFFICE OF THE
HON'BLE THE RESIDENT
IN MYSORE, BANGALORE.
Diary No. 12,621
File No.

To

The Secretary
to the Hon'ble the Resident in Mysore,
BANGALORE.

Sir,

In continuation of this office letter No.663/D/39 dated 17-11-1939, I have the honour to state that the three accused referred to were charge by the Bangalore City Railway Police Station in crime No.113/39 under Section 457, 380 and 75 I.P.C. and 52 of the Indian Post Office Act and a charge sheet was placed against the accused before the 1st Class Railway Magistrate, Civil and Military Station, Bangalore.

2. The case is posted for hearing on 18-12-1939 by the Special 1st Class Magistrate, Bangalore.

I have the honour to be, Sir,
Your most obedient servant,

COMMISSIONER OF POLICE.

12/12/39

S. N. 5

No. 663/D
Encl: one.

Office of the Commissioner of Police,
Civil & Military Station, Bangalore.

Dated 18th January 1940.
19

From

J. M. Green, Esquire, I.P.,
Commissioner of Police,
C & M Station, Bangalore.

To

The Secretary to the Hon'ble the Resident in Mysore,

BANGALORE.

Sir,

Reference:- This office letter No. 663/D dated 13th December 1939.

In continuation of the above letter, I have the honour to state that the accused viz., 1) M. K. Naidu, (2) P. Dixon and (3) S. Subbarayan in C. C. No. 252 of 1939 on the file of (Captain Biscoe) First Class Railway Magistrate, C & M Station, Bangalore, have been committed on 16-1-1940 to Sessions to take their trial before the Sessions Judge for offences under Section 380 and 457 I.P.C. and Section 52 of the Post Offices Act. A copy of the Committal order passed by Captain Biscoe is herewith enclosed for information.

OFFICE OF THE
HON'BLE THE RESIDENT
IN MYSORE, BANGALORE.
20 JAN. 1940
Diary No....820.....
File No.....

I have the honour to be,

Sir,

Your most obedient servant,

COMMISSIONER OF POLICE.

A.Q
18/.

IN THE COURT OF THE FIRST CLASS RAILWAY MAGISTRATE,

CIVIL AND MILITARY STATION, BANGALORE.

C. C. No. 252 of 1939.

King Emperor. Vs. 1. M. K. Naidu,
2. P. Dixon,
3. S. Subbarayan.

COMMITTAL ORDER UNDER SEC. 213 Cr. P.C.

Under Sections 380 & 457 I.P.C. and Sec. 52 of Post Office Act.

PROSECUTION.

P.W.1 - deposes to finding the registered and insured mail at the R.M.S. Office, Bangalore City Railway Station, tampered with on the morning of 10-11-39 and to four letters being missing. The inside staple of one of the office doors had been rendered useless by having its nut removed, so that it would pull out of place.

P.W.2 went on duty at the office at about 6 a.m. on the 10th and found the outer doors locked and undamaged. Only when the mail wells had been opened did it come to light that the registered and insured mail had been tampered with and four letters were missing. The Police were informed.

P.W.3 the R.M.S. Inspector, got to work and found that there were several letters opened but with their contents intact, and the seals of the mail bags were missing. Of the four letters missing he traced the owners and contents:

Owner.	Contents.
P.W.10	One note of Rs. 100/-
P.W.11	20 x 10/- notes
P.W.22	55/- in notes and 10 As. in postage stamps.
	Rs. 355-10-0

The inside office staple had its holding nut missing.

The fourth stolen letter contained 20/- in currency notes. The owner was not called as a witness, though his wire giving details is Ex. G on the file.

This witness was with the Police at the recovery from A.1's house of 17 x 10/- notes which had the marks of a stitch running through them. P.W.11 speaks to sending notes with a similar stitch which he had put right through the letter and notes, with the ends of the thread terminating under the seals of the cover. The recovery was effected on the 10th.

He was also with the Police at the recovery of the 100/- note which comes later.

He identifies the seals of the mail bags which the Police showed him on the 11th.

A.1 was absent from duty on the 10th.

P.W.4 deposes merely that he locked up the R.M.S.Office when going off duty on the 9th evening.

P.W.5 deposes that he was asleep on the platform just outside the R.M.S. office on the 9/10th night and saw A.1 come. A.1 told him, on being asked, that he was an R.M.S. Official and the witness went to sleep again.

P.W.6 deposes that A.1 and A.2, but not A.3, were together about 9 p.m. on the 9th and came to the Mohammedan Refreshment Room together

for supper.

P.W.7 was present at the opening of the mail wells, which were intact, and helped to check the mail lists from which it was found that certain letters were missing. A.1 was one of the R.M.S. sorters.

P.W.8 is the Police officer who was called in and started the enquiry. With P.W.3 he went to the house of A.1 to search it, while there he intercepted a wallet being passed by a woman in the house to a small boy - this wallet held the 17 x 10/- notes with the stitches through them. From the information of A.1 he recovered 8 postal seals pertaining to the tampered mail bags from under some stones in a lane. He also found some ash and burnt paper about 100 yards from the stones - this has not much value as none of the paper has any legible marks on it. The same night he arrested A.2 and found 17-7-9 on his person. From A.2's information he traced A.3 the same night and recovered from him 37-10-0 plus 10 x 1 anna postage stamps.

On the 11th morning on the information of A.3 he traced the 100/- of which he had the number and which is identified by P.W.10. From A.2's house he recovered a cycle spanner and a pair of brown shoes belonging to A.1, He got no satisfactory explanation of the 100/- note from A.2.

P.W. 9 merely deposes that in the course of his duties on the night 9/10th he saw A.1 and A.2 on the platform, which was well lighted.

P.W.10 merely identifies the 100/- note as his property.

P.W.11 merely identifies the holes in the 10/- notes recovered as being entirely similar to the holes in the notes he had sent and which were among those stolen.

P.W.12 merely saw A.2 on the station on the 9th evening after the last train had gone.

P.W.13 confirms the seisure of the wallet by P.W.8 as related by him.

P.W.14 ditto.

P.W.15 is merely witness to the recovery of the 37-10-0 and 10 stamps.

P.W.16 ditto.

P.W.17 witnesses the finding of the seals.

P.W.18 deposes that on the 10th he was looking after the money changing counter of a friend of his at the City market when A.3 brought him a 100/- note to change. Not having enough cash to do so he went to P.W.19 and borrowed enough to make up the 100/- with what he had got. He identified A.3 when the Police brought him and passed them on to P.W.19

P.W.19 confirms P.W.18's story. It was from him that the Police recovered the 100/- note.

P.W.20 is a witness to the search of A.2's house.

P.W.21 is a formal Police witness who corroborates the evidence of P.W.8 and helped to investigate.

P.W.22 is the man who posted the 55/- plus 10 x 1 anna stamps.

P.W.23 proves a previous conviction against A.2 u/s 406 I.P.C. in 1937.

Defence:

A.1 says that the R.M.S. Inspector is his enemy and has run him in without any cause. He denies any knowledge of the 170/- found in his house and volunteers the information that it is unusual for people in his walk of life to have so much money in the house. He denies giving any information leading to the finding of the seals and says he was amltreated by the Police but would not subscribe to their false story. He admits that he is a tout for money lenders and that

he touched Anglo-Indians through the intermediary of A.2. He knows nothing of A.2's spanner and shoes found in his house. A.2 is not intimate with him and does not enter his house ever.

A.2 admits his presence on the platform all that night for the purpose of meeting a railway official off the first train early on the 10th morning. He says he was with guards Hunter and Mills all night. He says ~~xxxxxx~~ that A.1 gave him the note for Rs. 100/- and the ten stamps because he had been asking him for a loan of about 50/- all the previous week. About noon A.1 came and asked for Rs. 30/- back as it was his festival day and he wanted to do some shopping. They then both went to the market where A.1 spent the entire 30/- on crackers, fruit and so on and took another 10/- back from A.2. Not wishing to loose his ~~xxxxxxx~~ entire loan of 50/- again A.2 took him to A.3 and got 10/- from him for A.1. That evening A.2 was arrested while awaiting A.1's coming on the station.

A.3 says he met A.2 on the road and A.2 took him to the market where he produced the 100/- note and the 10 stamps, gave the latter to A.3 as he said he had no use for them himself and asked A~~x~~3 to change the note. This A.3 did and gave Rs. 50/- to A.2, keeping 50/- at A.2's request until asked for. The inference of A.3 was that A.2 did not wish to take home the whole 100/- lest his woman get hold of it from him

FINDING.

The finding is not difficult: the R.M.S. office is burgled and certain monies, which can be, and have been identified, are found within the next 24 hours in the possession of accused. When examined they produce extremely far fetched tales ~~xxxx~~ account for the money in their possession - all except A1, who is a very stupid and truculent man, lacking any legal knowledge and all commonsense. He would by now have incriminated himself properly in this court if I had not forced him to stop talking on more than one occasion. But leaving that, I am led to find that there is a strong prima facie case against all the accused of having broken into the R.M.S. Office, Bangalore, City and of having burgled the registered and insured mails, the contents of which were found in their possession. Such a crime is beyond my powers to punish adequately if proved particularly as A.1 is a postal servant and offences under Section 52 of Post Offices Act is without my cognisance.

COMMITTAL:

I do therefore commit the accused to the Sessions Court of the C & M Station, Bangalore to there stand their trial for the above offences

Given under my hand and seal this 16th day of January 1940.

Sd/- D. H. Biscoe,
Captain.

FIRST CLASS RY. MAGISTRATE.

TRUE COPY.

FIRST CLASS RY. MAGISTRATE.

18/1